



July 25, 2019

The Honorable Robert Ferguson
Attorney General of the State of Washington
1125 Washington Street Southeast
Olympia, Washington 98504-0100

Dear Attorney General Ferguson:

I write to request a formal Attorney General Opinion addressing releases and less restrictive alternative (LRA) placements of involuntarily committed persons into the community.

The 28th Legislative District and Pierce County are home to Western State Hospital (WSH) and the Special Commitment Center (SCC). Persons involuntarily committed to and treated at WSH and the SCC can transition to the community by way of an unconditional release or LRA placement. Such persons may reside in the community in a number of settings, including their own home, a rental, or a facility such as an adult family home. Those persons unconditionally released from WSH or the SCC have completed their treatment. Those persons on LRA placements are subject to certain conditions while living in the community, and many such conditions are aimed at protecting the public. Additionally, a judge reviews and approves a LRA placement after considering evidence and arguments from the state and the committed person.

Understanding the extent to which local or state government may address releases and LRA placements from WSH and the SCC into the community would be inordinately helpful. To that end, I ask the following two questions:

May a local government prohibit or contest the release or less restrictive alternative placement of a person involuntarily committed to a state hospital or facility under RCW 71.05, 10.77, or 71.09 to a less restrictive setting, including an adult family home, when the person otherwise qualifies for release/LRA? Please consider in your answer at a minimum the Americans with Disabilities Act and the Federal Fair Housing Act.

May state government restrict the release or less restrictive alternative placement of a person involuntarily committed to a state hospital or facility under RCW 71.05, 10.77, or 71.09 to a less restrictive setting, by statutorily providing for density or radius restrictions on the location of adult family homes or by prohibiting any such person with a history of violence or sexual offense(s) from residing in such homes or another setting? Please consider in your answer at a minimum the Americans with Disabilities Act and the Federal Fair Housing Act.

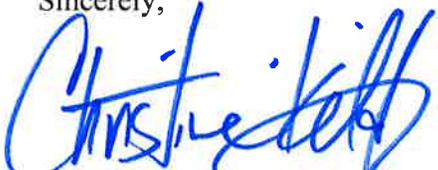
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The answer to each of these questions will help provide greater clarity to our community. Thank you for your consideration.

Sincerely,



Representative Christine Kilduff—28th Legislative District
House Majority Deputy Floor Leader